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### YOU DON'T SAY...

"If you don't feel comfortable that you can travel and do your job, you shouldn't run for office."

*Rep. Justin Burr, R-Stanly, on whether new maps put some judges in the position of having to travel too far from their home counties.*

THE NEWS & OBSERVER, 9/29/17

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## News Summary

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### Appointment Bills

When lawmakers return this week, part of what they could consider are appointments to state boards. It's unclear what appointments could be considered, though. A spokesperson for House Speaker Tim Moore, R-Cleveland, in an email to The Insider, said "[w]hich (appointments), if any, still need to be worked out between the House and Senate."

What is clear is that some state boards, like the N.C. Utilities Commission, need appointments to be finalized so they can operate as a full board. The N.C. Sustainable Energy Association is already

working to get two confirmations through this week. Gov. Roy Cooper announced the appointments of Charlotte Mitchell and former state senator and Charlotte Mayor Dan Clodfelter, as well as the reappointment of ToNola Brown-Bland, in May. The General Assembly confirmed Clodfelter, but have since left the other two in limbo.

Those aren't the only appointments still in limbo though -- three appointments to the state Board of Education are also out in the legislative ether. Cooper also announced those in May. A spokesman for the board said it was unclear when or if the appointments would be approved.

Allison Eckley, NCSEA's communications manager, said the group "is really putting all the eggs in that basket," when it comes to making sure lawmakers know of the appointments. She said the appointments need to be approved before the commission meets in the coming weeks to consider rate hike requests -- including the Duke Energy Progress rate case's evidentiary hearing.

"If we don't have a fully scaled commission, it's not going to be good, and so really time is of the essence to get these two folks heard and approved," Eckley said, adding that NCSEA's government affairs team is giving updates every day as to whether the appointments could come up. (Lauren Horsch, THE INSIDER, 10/02/17).

## **Courts Commission**

The North Carolina Courts Commission told lawmakers Friday to put off plans to revamp the state's Superior Court, District Court and prosecutorial districts until next year. By law, the bipartisan commission is the panel that is supposed to oversee judicial redistricting in the state. But there hasn't been a statewide overhaul in 60 years.

Republican legislative leaders say it's time to take matters into their own hands, arguing that population growth and piecemeal changes over the years have led to districts that don't meet people's needs. The full House was expected to debate new judicial district maps this week, but the Courts Commission voted 9-5 after hearing hours of testimony from judges and attorneys to recommend lawmakers wait until they return for the 2018 legislative session to take action.

Orange County Chief District Court Judge Joe Buckner and Cumberland County Superior Court Judge Gail Adams warned the proposal would create chaos and backlogs in the court system. "This is a critical issue that affects a large number of people, the citizens of this state, and so what is the rush?" Adams asked.

The proposed maps, which were made public only earlier this week, realign groupings of counties that have shared court systems for decades. They also carve up urban counties into districts designed to help Republicans win more seats and force some Democratic judges run against each other to remain on the bench.

"I think you're fixing something that wasn't broken, and I think you're going to end up with tremendous cost for no added benefit," said Gaston County District Attorney Locke Bell, a member of the commission. Bell noted that Superior Court judges would face longer travel times to various counties under the revamp, which could impact their ability to hear cases. "No one is required to run for public office if they don't think they can meet the requirements," replied Rep. Justin Burr, R-Stanly, the sponsor of the redistricting measure. "If you don't feel comfortable that you can travel and do your job, then you shouldn't run for office."

Many judges agreed that judicial districts need to be updated, but they said the process needs to be done carefully and more transparently. "I would not want us to act in a hurry to do or even to recommend anything -- such a big impact," Court of Appeals Judge Donna Stroud said.

Burr said he isn't swayed by the Courts Commission's recommendation. "Unfortunately, with action like today, they continue to show just how irrelevant they are and that they're not willing to really take steps to reform and update our court system," Burr said. Commission members are merely trying to protect the status quo for themselves and their friends, he said. (Laura Leslie, WRAL NEWS, 9/29/17).

## **State Health Plan**

In the past, about 60,000 North Carolina public workers have paid nothing for employee-only health plan premiums. But in 2018, they will pay \$300 a year -- \$25 a month -- for the same plan, according to the State Treasurer's Office.

State workers can begin choosing their health plan for next year starting on Sept. 30. That increase in cost for employees who only insure themselves -- and not their families -- is aimed at

covering increased costs for the state health plan. Overall, state health insurance plans insure more than 700,000 N.C. residents.

Increasing premium costs is more transparent than "playing games" with other insurance costs that workers don't notice, said N.C. Treasurer Dale Folwell. For example, in the past premiums would stay the same but copays and deductibles would increase, he said. The teachers, law enforcement officers, college employees and other public workers, who will go from paying nothing to \$300 a year, participate in what's called the state's 70/30 plan and insure only themselves -- not a spouse or children.

The 70/30 plan requires that after workers hit their deductible and copays, the costs of medical services are split 70 percent paid by the state and 30 percent by the patient, until the total coinsurance maximum is reached, according to Treasurer's office. Meanwhile, another 11,000 workers who have a "consumer-driven" plan and only insure themselves also do not currently pay a premium. But that plan is disappearing next year, meaning they will have to choose another plan that will cost them.

They could choose the 70/30 plan or an 80/20 plan that will cost \$600 per year, up from \$180. The projected rates are based on workers completing a tobacco assessment. Smokers who don't agree to try to quit will pay more. While employee-only coverage is increasing, family coverage will stay about the same. For example, annual premiums for family coverage under the 80/20 plan will cost workers \$8,640 in 2018, down from \$8,685 in 2017.

It was important to keep the cost of family plans the same because those plans are already not affordable, Folwell said. North Carolina has one of the lowest family plan participation rates in the United States because the plan is not affordable, he said. "It's the right thing when you hire a trooper or a teacher or a DOT worker, it's the right thing to do that when you offer them a benefit that they can afford it," Folwell said. (Cassie Cope, CHARLOTTE OBSERVER, 9/29/17).

## **Redistricting Reaction**

A proposal to realign North Carolina's judicial election districts if adopted will hurt operations of the court system in Robeson County, according to both of Robeson County's Superior Court judges.

"It's definitely going to be a disadvantage to Robeson County," Judge James Gregory Bell said Thursday. "... It doesn't make sense. There haven't been changes like these made in judiciary districts in 60 years."

The redistricting plan that was approved Wednesday by a state House committee on a party-line vote will result in Robeson County, now a one-county judicial district, being combined with Scotland County. Robeson County currently has two Superior Court judges of its own and Scotland County has one. The new district would have only two Superior Court judges, one living in Robeson County and one in Scotland County. Both Robeson and Scotland counties currently each have their own district attorney. The newly created district would have only one.

It could affect plans for Robeson County District Attorney Johnson Britt, who recently announced he would retire when his current term expires in 2018. The proposed judicial district change includes eliminating an election for district attorney in 2018, meaning his term would be extended until an election is held in 2020. "I always said I would never retire until the end of my term," Britt said. (Bob Shiles, THE ROBESONIAN, 9/28/17).

## **Pipeline Expansion**

The developers of a disputed natural gas pipeline on the U.S. East Coast are considering a major expansion of the project into South Carolina, according to remarks made by an energy company executive and interviews with others in the industry.

Opponents of the Atlantic Coast Pipeline said that raises questions about whether Dominion Energy, the project's lead developer, has withheld important information from the public and whether the pipeline is even needed as initially proposed. But business leaders say the pipeline would help lower energy costs and boost economic development in South Carolina.

Dan Weekley, Dominion Energy's vice president and general manager of Southern pipeline operations, told attendees at a recent energy conference "everybody knows" the Atlantic Coast Pipeline -- currently slated to pass through Virginia, West Virginia and North Carolina -- is not going to stop there, despite what the current plans say. "We could bring in almost a billion cubic



feet (28 million cubic meters) a day into South Carolina," Weekley said, according to an audio recording The Associated Press obtained from a conference attendee. The attendee requested anonymity out of concern for not wanting to harm business or personal relationships. The remarks appear to be the Richmond, Virginia-based company's most direct public signal to date that it intends to expand the pipeline, though industry analysts said the potential has been discussed for years.

"It just fits into the whole idea that we've never really believed that Dominion is telling us the whole truth about the project and the gas and where the gas might go," said David Sligh, conservation director of Wild Virginia, a nonprofit dedicated to preserving Virginia's national forests. Tamara Young-Allen, a spokeswoman for the commission, said if the developers want to expand the pipeline into another state, they will have to go through the full application process again.

Dominion spokeswoman Jen Kostyniuk said, "absolutely no decision has been made about a potential expansion" of the pipeline. Weekley's remarks during the South Carolina Clean Energy Summit in Columbia indicated otherwise. "Even though it dead-ends at Lumberton (North Carolina) -- of course, 12 miles (19 kilometers) to the border -- everybody knows it's not going to end in Lumberton," he said.

Analyst Shar Pourreza, managing director and head of North American power for Guggenheim Securities, said he expects that the pipeline will eventually be expanded as far into the southeast as Georgia or Florida, in part because the closures of coal-fired power plants are increasing the demand for natural gas.

The Atlantic Coast Pipeline is being developed by Dominion and three other major U.S. energy companies: Duke Energy, Piedmont Natural Gas and Southern Company Gas. The federal regulatory commission issued an environmental review over the summer that was largely favorable for developers and is widely expected to grant a certificate needed for the project to proceed this fall. (Sarah Rankin, ASSOCIATED PRESS, 9/29/17).

## **Rural Hospitals**

Rural hospitals are struggling to keep their lights on and the doors open. Since 2010, there have been 82 rural hospital closures across the U.S. North Carolina has lost four rural hospitals. Pungo District Hospital and Yadkin Valley Community Hospital closed, while the hospital in Blowing Rock was converted into a nursing home. And in 2015 Franklin Medical Center in Louisburg closed, but that facility is scheduled to reopen in 2018 due to a lease agreement with Maria Parham Health, which is part of Duke LifePoint Healthcare.

According to a report by WTVD-TV, Franklin Medical Center will be an extension of Duke LifePoint's Henderson hospital. It will operate as a 24/7 emergency department and will include behavioral health services. A fifth North Carolina hospital, Morehead Memorial in Eden, is currently in bankruptcy.

George Pink, deputy director of the North Carolina Rural Health Research and Policy Analysis Center, said that many hospitals that closed had ceased doing deliveries of newborns in the year before they shuttered. In North Carolina, at least two western hospitals, Angel Hospital in Franklin and Blue Ridge Regional Hospital in Spruce Pine, have announced plans to discontinue maternity care.

About 40 percent of rural hospitals operate with a negative profit margin, according to a study by the Chartis Center for Rural Health published in May called "Rural Relevance 2017: Assessing the State of Rural Healthcare in America." "Rural hospital operating margins in Medicaid expansion states are statistically higher than rural hospitals in states that did not expand Medicaid," the study reads.

The study lists a number of other factors that negatively affect a hospital's profit margin. Top among those factors is the mix of payers, especially when most of the patients have Medicare or Medicaid, which both tend to pay less than commercial insurance. Many rural areas have high rates of folks who are unemployed, meaning more people who can't pay. They also have higher numbers of seniors and retirees, leaving hospitals more dependent on Medicare for payment. The study also said that many hospitals that closed had another facility that was reasonably close, drawing away patients and depriving the local facilities of the revenue.

Over the past decade, Pink and his colleagues at UNC have been tracking rural hospital closures using newspaper reports and interviews. Using what they've learned, they created a model to determine a rural hospital's level of financial distress and whether or not it would be open in two years.

The model takes into account four predictors of financial distress: financial performance; level of government reimbursement; hospital characteristics such as ownership and size; and market characteristics such as distance from nearest hospital and area poverty rate. In 2013, Pink's model predicted that 8 percent of rural hospitals would be at high risk of financial distress by 2015. It turned out over time that those hospitals identified in the model were four times more likely to close than others not judged to be at high risk.

Recently Pink and his colleagues re-ran their model and found even more -- 9 percent -- of rural hospitals across the country are at high risk of financial distress. In the South, 16 percent of hospitals were in financial distress, the highest rate of any region in the country. (Taylor Knopf, NC HEALTH NEWS, 9/29/17).

## **I-87 Bond**

North Carolinians agreed to borrow \$2 billion last year to support higher education and infrastructure. Should they borrow a similar amount to more quickly build Interstate 87 and other important roads? Some officials say yes.

For more than a year, Interstate 87 has been a burning issue for elected officials in Pasquotank and surrounding counties. Creating that road from Raleigh to the Virginia state line would cost more than \$1.3 billion, based on early estimates, and it could take decades to develop. Just widening U.S. Highway 17 to interstate standards from northern Pasquotank through Camden may cost almost \$187 million, and it's not slated to start before 2027, according to the state's 2018-2027 transportation plan.

Angela Welsh, of the Albemarle Rural Planning Organization, helps county officials review and prioritize road projects. As she reported a year ago, I-87 projects score poorly under the state's "Strategic Mobility Formula" that helps decide road funding. The argument from Welsh and others is that those projects are more than the sum of their parts. An interchange here and an overpass there might not seem to do much in small communities where congestion isn't a problem.

Combine them all to make an interstate, however, and you can offer businesses a high-speed, non-stop corridor to move their goods.

Elizabeth City Manager Rich Olson similarly said Friday the state should provide funding outside of the road funding formula. Looking at I-87 projects collectively shows their value, he argued, also noting the state is working on an economic analysis that should reaffirm that. Wayne Harris, director of the Elizabeth City-Pasquotank Economic Development Commission, also agreed with additional funding to accelerate I-87 construction.

North Carolina has \$2.25 billion in transportation debt capacity over the next five years, according to the latest annual "Debt Affordability Study" from the state treasurer. In reaching that number, the study notes that North Carolina has a goal of borrowing no more than 6 percent of available transportation revenues. Transportation debt is considered separately from general fund debt -- which now includes the \$2 billion "Connect NC" bonds that voters approved in spring 2016 for supporting higher education and infrastructure.

Rep. Bob Steinburg, R-Chowan, said he's open to a transportation bond. I-87 is critical to tapping into the economic growth in Tidewater Virginia, he explained. "North of us is exploding," Steinburg said. "I think we need to move as quickly as prudently possible" in developing I-87, he said.

However, Steinburg noted, there would be politics to navigate in proposing another bond. Were the General Assembly to consider a \$2 billion road bond, other lawmakers would, understandably, expect funding for high-priority projects in their areas as well, he explained. It's also unlikely they'd support devoting all \$1.35 billion needed to develop all of I-87. That would commit more than half the state's five-year transportation debt capacity to just one project.

That means that even a major bond issue likely wouldn't fund the whole road. Agreeing with Pasquotank and Camden officials, Steinburg said he'd support prioritizing interstate development from Elizabeth City to Virginia. That would make Pasquotank and Camden's industrial parks more attractive, he noted.

Rep. Howard Hunter III, D-Hertford, also said he'd support issuing transportation bonds for I-87, as well as special appropriations if needed. "I totally agree that this project should be done faster," Hunter said, adding he's been fighting for better infrastructure since taking office. "I've found out it's not Republican versus Democrat -- it's urban versus rural," he said. Sen. Bill Cook, R-Beaufort, declined to state in an email whether he'd support special appropriations or a bond issue for I-87. He noted, however, that the state has increased transportation funding by \$320 million over the next two years in the State Transportation Improvement Plan, noting plans to upgrade U.S. 17 north of Elizabeth City in 2027. Sen. Erica Smith-Ingram, D-Northampton, couldn't be reached for comment Friday.

Though local lawmakers may be receptive to special funding for I-87, legislative leaders may be less so. In an email, a spokeswoman for Senate President Pro Tem Phil Berger, R-Rockingham, said he supports the reforms lawmakers made to how roads are funded and the additional \$320 million put into the STIP. Lawmakers have worked to accelerate road funding, she noted. She also wrote "Sen. Berger supports continuing this approach ... without incurring additional debt and without undermining the fair and transparent process North Carolina now has in place." (Jon Hawley, THE (Elizabeth City) DAILY ADVANCE, 10/01/17).

## **Coastal Regulations**

The Coastal Barrier Resources Act, or CBRA, enacted in 1982, sought to discourage such development by doing away with federal incentive subsidies for infrastructure -- namely water/sewer, roads and flood insurance. But development along coastal barriers has continued despite the lack of federal incentives, and a team of researchers at the University of North Carolina Chapel Hill wants to know more about why that is happening.

Over the next two years, researchers Todd BenDor, David Salvesen and Nikhil Kazah will be evaluating the effect CBRA has had on development along the coasts of North Carolina and other states. BenDor, the lead researcher on the project, said one goal of the study is to understand what happens when federal subsidies for development are ended. "What happens when you end subsidies for infrastructure and flood insurance in high-hazard areas in some places and don't end subsidies in other places," he said. "Basically, you create this unlevel playing field."

While the intent of CBRA was to reduce or slow development in those high-hazard areas, BenDor said state and local governments might be undoing that effort -- especially in CBRA areas in or near tourist areas. "Our hypothesis is that is happening, that state and local governments are stepping in to basically fill in what the federal government had removed," he said.

Another goal of the study is to determine if CBRA has worked at slowing development and the role state and local governments have played in picking up where the federal government has left off, BenDor said.

Salvesen, who researched CBRA development 15 years ago for his dissertation, said he thinks the study will find that some areas that were desirable for development will develop with or without the federal subsidies.

"What I found last time is that CBRA seemed to have a delaying effect, in that other areas that were not part of the Coastal Barrier Resources Act get developed first, and then finally developers turn their attention to the CBRA areas because that's all that's left. And if land values are high enough, and if the market is strong enough, what I found last time is that development will occur there."

The two-year project, made possible by a National Science Foundation grant, is just getting underway now that students have returned at UNC, Salvesen said. "We did some preliminary work -- we've talked to Fish and Wildlife Service, we've looked at what data is already available and who else has done studies like this," he said. "And now that we have students on board, we're really ready to start sinking our teeth in." (Lori Wynn, COASTAL REVIEW ONLINE, 9/29/17).

## **UNC Lawsuit**

Attorneys for The University of North Carolina at Chapel Hill and athletes who played for the school argued in a state court on Friday whether a lawsuit filed against the school in connection with an academic scandal should be dismissed.

In April, a judge granted the school's motion to remove the case from federal court, sending it back to a state court. The latest arguments were heard in a Rockingham County courtroom.

Initially, former football player Michael McAdoo filed a class-action lawsuit amid the scandal tied to irregular courses in African-American studies, a department popular with athletes. Former football player Devon Ramsay and ex-women's basketball player Rashanda McCants filed a separate lawsuit, which was the basis of the arguments presented to Forsyth County Superior Court Judge Eric Morgan in the courtroom in Wentworth.

Lisa Gilford, an attorney from a New York-based law firm representing UNC, said what the plaintiffs are alleging is "educational malpractice," noting that a previous decision said "they had to go further than 'my education wasn't good enough.'" She said the case wasn't about academic irregularities, but more about the plaintiffs' claims. Gilford also reiterated the argument that the lawsuit should be dismissed because a three-year statute of limitations had passed.

Robert F. Orr, the attorney representing Ramsay and McCants, said the idea of a breach of contract is at the heart of his clients' claim. "We're not talking about these classes were easy classes," Orr said. "These were illegitimate classes . . . We seek to hold the university accountable."

Morgan didn't indicate when he would issue a decision. Attorneys for both sides said they didn't expect a ruling Friday. (Tom Foreman Jr., ASSOCIATED PRESS, 9/29/17).

## **Executions**

No one from Onslow County has been executed since Hitler ruled Germany. The last person from the county to be tried for first-degree murder, sentenced to death row, and executed was in 1939, according to the N.C. Department of Public Safety (NCDPS). It's now been 11 years since anyone in the state of North Carolina has been executed and in 2016, out of the five total capital cases in the state, only one person was sentenced to death, according to the Center for Death Penalty Litigation. And yet, there are four current capital cases in Onslow County waiting for trial.

Since 1995, the number of death sentences imposed has been decreasing, from 34 sentences in 1995 down to just one in 2008, according to the American Law and Economics Review. This study, published by Duke University in 2009, shows that for the Fiscal Year 2005-06, 38.3 percent of capital cases resulted in a sentence of second-degree murder and only 4 percent of cases were sentenced to death.

It's a trend that's continued, said Defense Attorney Dick McNeil, who spoke from personal experience with first-degree murder cases and from data he gathered at seminars and the Office of Indigent Services. "Forty-six percent of capital cases, once declared capital, turn into a second degree or less alternate decision," McNeil said. "That's a pretty amazing statistic."

With no executions, half of those on North Carolina's death row are now aged 50 or older, according to the Center for Death Penalty Litigation. "Our death row is becoming a costly warehouse for the elderly," Gretchen M. Engel, executive director of the Center for Death Penalty Litigation, wrote in a press release. "And most of these people, if they had been tried under today's laws, would never have been sentenced to death in the first place." (Amanda Thames, THE (Jacksonville, NC) DAILY NEWS, 10/01/17).

## **Generators**

North Carolina law requires nursing homes to have generators and a 72-hour supply of fuel. This differs from Florida, where people died in a sweltering nursing home that lost power in the wake of Hurricane Irma. As The Tampa Bay Times reported in the storm's aftermath, an attempt to require these generators failed to pass the Florida legislature in 2006 in the face of heavy industry lobbying. Florida's governor has since ordered nursing homes there to obtain generators.

North Carolina's regulations focus more on keeping residents warm and providing power for at least one elevator and various essential functions, as opposed to providing air conditioning, which was a big part of the proposed law in Florida. There are 436 licensed nursing facilities in North Carolina, according to the state Department of Health and Human Services. They're required to test generators 30 minutes a week. Regulators also check the generators during annual visits, DHHS spokesman Cobey Culton said. Last year, regulators found 182 "generator-related deficiencies" at state nursing homes, Culton said in an email. None of the generators failed to run, Culton said. In a number of cases, facilities were unable to produce records showing that the generator had been tested as required. This is not an uncommon issue. NPR reported earlier this



month that a third of U.S. nursing homes have been cited for failing to inspect or test their generators.(Travis Fain, WRAL NEWS, 9/30/17).

### **Confederate Statue**

Salisbury City Manager Lane Bailey sent out a statement Friday afternoon saying that, "after much discussion and further research," the city has concluded that the Confederate statue Fame does sit on public property.

He said that the statue sits on a state-maintained road -- Innes Street -- but "how much control the North Carolina Department of Transportation exercises over the median is uncertain." "The issue of relocating the statue Fame has been a frequent topic of discussion over the past few years, particularly in light of the tragedies in Charleston, South Carolina, and more recently in Charlottesville, Virginia," Bailey said in the statement.

He said that the 2015 bill passed by the General Assembly prohibits local governments from removing or relocating "objects of remembrance" on public property. "What is clear, however, is that the Hoke Chapter of the United Daughters of the Confederacy, which is the owner of the statue, was given an easement for the statue and the easement is still in place today," Bailey said. He said that, in order for the statue to be removed, the state would have to give either the city or the North Carolina Department of Transportation permission to relocate it. He said that the United Daughters of the Confederacy would also have to give up its easement and "grant its permission for the statue to be changed in any way."(Jessica Coates, SALISBURY POST, 9/29/17).

### **NCCU Scholarship**

With a new scholarship backed by state legislators coming next fall, N.C. Central University officials are raising their annual fundraising goal in hopes of securing the necessary matching funds without putting a big bite on other needs.

The university wants to raise \$7.7 million from alumni and other donors by the end of the 2017-18 fiscal year next summer, Vice Chancellor for Advancement Harriet Davis told NCCU trustees this week. That's up \$500,000 from a \$7.2 million goal NCCU met the year before, the increase spurred in part by the need for it now to put \$750,000 toward the launch of the Cheatham-White Scholarship program.

Davis believes the initiative will attract money from foundations and other donors that might be eager to help fund a new program modeled on UNC-Chapel Hill's Morehead-Cain scholarships. As the Morehead-Cain does at UNC-CH, the Cheatham-White scholarship will offer recipients a full-ride grant that covers all the major costs of attending N.C. Central or N.C. A&T State University. The eligibility requirements are broadly similar when it comes to asking candidates to show leadership potential. But as a start-up, the Cheatham-White program doesn't have the kind of donor-and-investment-fueled, \$197 million piggybank the Morehead-Cain's administrators were leaning on as of the end of fiscal 2014-15. Instead, it's launching with a combination of direct state appropriations and matching-funds requirements from NCCU and N.C. A&T.

State legislators got the ball rolling in 2016, the idea surfacing initially in an omnibus higher-education bill pushed by former Sen. Tom Apodaca, R-Henderson, and other Senate Republicans. Apodaca's committee presentations left little doubt that the prime mover behind the bill was actually Senate President Pro Tem Phil Berger, R-Rockingham, and in an interview Thursday he said point-blank the package was the brainchild of "Sen. Berger himself." "This was something he proposed. I was his lieutenant at the time. He came to me and said, 'I want you to carry this for us,'" Apodaca recalled, alluding to his then-role as chairman of the Senate's rules committee.

The idea was that if the program succeeds on those campuses, it can be expanded to others in the UNC system, he said. Legislators initially appropriated \$300,000 in planning money, and this year followed up by pledging to give NCCU and N.C. A&T a combined \$1.5 million in fiscal 2018-19 in time for them to enroll the first group of scholarship recipients. Each school can award up to 20 scholarships.(Ray Gronberg, THE (Durham) HERALD SUN, 9/29/17).

### **Offensive Sign**

A UNC Charlotte student has admitted to putting a "colored" sign on a dorm water fountain and posting it to Snapchat, sparking a furor on social media and sending university officials on a hunt for the culprit. "The student ... indicated that his actions were a poor attempt at humor,"



Chancellor Philip Dubois said in a Friday afternoon statement. "There is nothing humorous about what he did. Let me be very clear that intolerance and bigotry have no place within the inclusive culture we strive to achieve at UNC Charlotte."

The image appeared on Snapchat Wednesday night, identified as being at UNCC but without a specific location. University staff couldn't find the sign but said the drinking fountain appeared to be at Holshouser Hall, a student high-rise on south campus. The image was shared on various social media and reported in local news media. On Thursday officials met with Holshouser residents and one of them admitted he had put up the sign, taken the picture and posted it, Dubois said. (Ann Doss Helms, CHARLOTTE OBSERVER, 9/29/17).

## **Retiring**

Raleigh will soon lose the man who led the city through hundreds of legal issues over four decades. Tom McCormick, who's worked as Raleigh's city attorney since 1977, announced Friday that he plans to retire. His last day will be Dec. 31.

Despite working out of the public spotlight, the city attorney is among the most influential government employees. His office is often charged with making sure city policies are legally sound, guiding the City Council through its decisions and then defending them in court when necessary. Mayor Nancy McFarlane noted his role in helping the city negotiate Raleigh's purchase of the Dorte Dix property from the state in 2015. The 308-acre property is on the southern end of downtown and formerly housed a psychiatric hospital. The City Council and Dix Park Conservancy are in the early stages of designing a park on the land.

Council members have relied on McCormick's input on everything from controversial development proposals and police shootings to trying to clamp down on sexually explicit music videos, which the council tried to do in 1995. McCormick wasn't quoted in his retirement announcement, which says "he is looking forward to serving the community in other ways." (Paul A. Specht, THE NEWS & OBSERVER, 9/29/17).

## **Fake News**

New analysis from the University of Oxford shows Twitter was swamped with fake news during the 2016 presidential campaign, and that bad information was especially prevalent in key states like North Carolina. In the ten days leading up to the election, Twitter users in swing states received huge amounts of fake or hyper-partisan election information. States that were safely in a candidate's corner received less.

Researchers at the Oxford Internet Institute sampled hundreds of thousands of tweets during that period and found that 40 percent of election-related tweets in North Carolina contained bad information. More broadly, a significant amount of information spread on Twitter nationwide was also of a questionable nature, according to the research team.

"When links to Russian content and unverified WikiLeaks stories are added to the volume of junk news, fully 32 percent of all the successfully cataloged political content was polarizing, conspiracy-driven, and of an untrustworthy provenance," they note.

Elon University professor Glenn Scott says voters need to step up as new campaigns approach. "We all need to become more savvy," Scott says. "We need to ask tougher questions about sources of information and not accept something because it seems to belong to the group we identify with."

In contrast to the untrustworthy information being spread in the run-up to election day, the researchers note that only about 20 percent of tweets with campaign-related hashtags originated with professional news organizations. (Sean Bueter, WFDD, 9/29/17).

## **Millennial Turnout**

Voters under 25 made up just 2 percent of those who took part in the Charlotte primaries, according to the Mecklenburg County elections board. Those under 40 comprised less than 18 percent. That means voters over 40 cast 82 percent of the ballots. In fact, one out of three was 65 or over. Those older voters helped nominate four millennials, candidates 34 or younger.

Some activists expected this was the year millennials would become a force in local politics. After all, the largest single segment of Charlotte residents is between 25-29, according to the U.S. Census Bureau. And one national site pegged Charlotte as the nation's top destination for

millennial net migration in 2015. According to the Pew Research Center, while the number of millennial voters grew in 2016, they turned out at a lower rate than older generations of voters. In Charlotte, primary voters under 40 were dramatically under-represented given their registration numbers. Those over 40, on the other hand, were over-represented. Seniors 65 and over, for example, turned out at twice the rate their registration numbers would suggest. "There should be no surprise," says Michael Bitzer, a Catawba College political scientist. "For these kind of low-interest elections, older voters tend to have disproportionate weight. Older voters have higher turnout rates just because they're more engaged ... Younger voters don't tend to see direct impacts of decision-making by the government."(Jim Morrill, CHARLOTTE OBSERVER, 9/29/17).

### **Guard Deployment**

Gov. Roy Cooper has authorized sending 200 engineers from the North Carolina Army National Guard to support recovery efforts in Puerto Rico in the aftermath of Hurricane Maria. N.C. Guardsmen from the 105th Engineer Battalion "Task Force Rhino," headquartered in Raeford, departed over the weekend, with the remainder of the unit deploying this week. They are expected to be in Puerto Rico for 30 days but are prepared to be there longer if required. They will help clear debris from the road and make repairs. "When our state was devastated with severe flooding during Hurricane Matthew last year, many states came to our assistance in our time of need," Cooper said. "Now it's our turn to provide aid to fellow citizens in Puerto Rico." Soldiers also assigned to the 3rd Expeditionary Sustainment Command, stationed at Fort Bragg, deployed to Puerto Rico Tuesday to support the Federal Emergency Management Agency's Hurricane Maria response efforts. Additional soldiers are scheduled to deploy in the near future.(WRAL NEWS, 9/29/17).

### **Diversity Courses**

UNC Charlotte defended itself on Thursday after the conservative Breitbart News website knocked the university in a story headlined, "UNC Charlotte Offers Staggering 345 Diversity and Social Justice Courses." The course list "illustrates a developing trend of an excessive focus on social justice-themed courses in academia," the Breitbart News article said. Breitbart News also is known for its feisty executive chairman, Steve Bannon, who served seven months as Donald Trump's White House chief strategist before he returned to the publication. Nancy Gutierrez, dean of UNCC's College of Liberal Arts & Sciences, said the course list includes classes from the fall 2016 catalog that "reflected the College of Liberal Arts & Sciences' rigorous examination of the multicultural world in which we all live." The courses cover a "broad range of topics," according to Gutierrez, including ethics and criminal justice, Southern culture in literature and film, women and literature, ancient world literature, introduction to European studies and democracy in America: a historical perspective.(Joe Marusak, CHARLOTTE OBSERVER, 9/28/17).

### **Appointed**

Two North Carolinians -- former Gov. Bev Perdue and UNC School of Education Professor Gregory Cizek -- have been appointed to the National Assessment Governing Board by U.S. Secretary of Education Betsy DeVos. The 26-member board helps set policy for The Nation's Report Card, also known as the National Assessment of Educational Progress. The assessment offers objective data on student performance in nearly a dozen subjects to the public and to education policymakers at the national, state and local levels. The data helps education policymakers, educators and parents evaluate the progress of American education. The nonpartisan, independent board determines the subjects and content of the assessment tests, sets the achievement levels for reporting and publicly releases the results.(NEWS RELEASE, 9/29/17).

### **Duke Statue**

From having a Robert E. Lee statue at the entrance to Duke Chapel to having one of Episcopal priest and civil-rights icon Pauli Murray?

Now that Lee's statue is down, replacing it with Murray's likeness is one of the ideas people at Duke are urging the "Commission on Memory and History" advising President Vince Price to consider, said Gráinne Fitzsimons, management and psychology professor Fitzsimons, the committee's vice chair, was responding to Duke Divinity School professor Mary Fulkerson, who said she'd consider Murray a fine choice because "it would be great to have a female African-American there rather than another white guy."

But she stressed the commission is still looking for both suggestions and expert advice as it goes about the job of advising Price and campus trustees not just on what should fill the niche at the chapel entrance left by the removal of the Lee statue on Aug. 19, but on how they should handle questions and disputes about memorials and facility names. The group is supposed to turn in its report by Nov. 17, and members have been fanning out this week to urge various groups on campus to weigh in. (Ray Gronberg, THE (Durham) HERALD-SUN, 9/29/17).

### **Aquarium Plan**

A new aquarium is being planned for a development located in Pender County off U.S. Highway 17. The development, known as Blake Farm, is a 1,300-acre project piloted by the Trask Land Company.

Plans were submitted to the Technical Review Committee for the Blake Farm retail portion of the project; it will consist of five restaurants, three office buildings, and a 7,700-square-foot aquarium. A public hearing for the development is scheduled for the TRC on Tuesday, Oct. 3, and for the Pender County Planning Board on Nov. 7.

According to the president of the Trask Land Company, Raiford Trask, the aquarium portion of the development will have a shellfish theme and have a research component to it. The state will be providing funding for the aquarium; when finished it will be a branch of the North Carolina Aquariums system, which includes the aquariums at Fort Fisher, Roanoke Island, Pine Knoll Shores and Jennette's Pier.

Trask said he is very excited about the opportunity to help provide educational experiences with the new aquarium, adding that the new site is a prime location for it since approximately 42,000 cars pass by the site on a daily basis. This will be Trask's first-time experience being involved with an aquarium, he said. (Michael Praats, PORT CITY DAILY, 9/29/17).

### **Beach Digging**

Currituck County officials plan to outlaw digging deep holes on the beach that can cave in and kill. Accounts of head-high excavations in the sand have prompted the Board of Commissioners to draft an ordinance making it a crime to leave a deep pit on the beach. The board is expected to pass the ordinance at Monday night's meeting, member Paul Beaumont said. Beaumont saw people playing in holes 4 feet deep near Corolla's Whalehead Beach neighborhood. The next day they dug more holes, abandoning the others. "We were stunned at the depth of the holes," he said. "They dig them and leave them. Now it's somebody else's problem."

An ambulance on a rescue call nearly backed into a hole on the Corolla beaches this summer, Beaumont said. Wild-horse-tour vehicles have to dodge the hazards, said commissioner Bob White, who runs one of the popular activities on Currituck's four-wheel-drive beaches. Holes endanger people strolling along the surf or vehicles traveling the beach strand, especially at night, Beaumont said. A woman was found dead, buried by sand in a hole on the beach in Ocean City, Md., in July. A Fredericksburg man died three years ago in Salvo when a hole he was digging collapsed.

The proposed Currituck ordinance prohibits "excessive and unsafe digging or piling" of sand that creates a hazard and remains unattended at night or for more than an hour during the day. The proposed law does not specify a depth or width. Violators can be issued \$50 citations, White said. (Jeff Hampton, THE VIRGINIAN-PILOT, 9/30/17).

### **Shelly Island**

That new island that appeared this spring off the coast of North Carolina has all but vanished, thanks to Hurricane Maria. Shelly Island was a mile long before the storm, and it was starting to host plant life. Now?

"Ninety percent gone," says Ken Barlow, the Virginia businessman who filed a quit claim deed last month for island ownership. What's left of the 100-acres is an oval-shaped sandbar that is 300 feet from Cape Point end of Hatteras Island, he said. Barlow is not giving up hope on his island. He believes a nearby dredging operation led to the formation of the island, and that dredging work is starting again, keeping Barlow confident in his land claim. Dare County officials have maintained the land is owned by the state. (Mark Price, THE CHARLOTTE OBSERVER, 9/30/17).

## Legislative Studies and Meetings

Items in **RED** are new listings.

**LB:** Legislative Building

**LOB:** Legislative Office Building.

More Information: <http://ncleg.net/LegislativeCalendar/>

### **Monday, Oct. 2**

- 1 p.m. | House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions, 544 LOB.

### **Tuesday, Oct. 3**

- 9 a.m. | The Joint Legislative Oversight Committee on General Government, 544 LOB.
- 10 a.m. | The Joint Legislative Oversight Committee on Unemployment Insurance, 643 LOB.
- 1 p.m. | The Joint Legislative Administrative Procedure Oversight Committee, 643 LOB.
- 2 p.m. | The Senate Select Committee on North Carolina River Water Quality, 1027/1128 LB.

### **Wednesday, Oct. 4**

- 12 p.m. | Session Convenes (House)
- 12 p.m. | Session Convenes (Senate)

### **Tuesday Oct. 10**

- 1 p.m. | The Joint Legislative Oversight Committee on Medicaid and NC Health Choice, 643 LOB.
- 9 a.m. | The Joint Legislative Oversight Committee on Health and Human Services, 643 LOB.

### **Thursday, Oct. 12**

- 9 a.m. | The Joint Legislative Emergency Management Oversight Committee, 544 LOB.
- 10 a.m. | The Joint Legislative Oversight Committee on the North Carolina State Lottery, 643 LOB.

### **Thursday, Nov. 9**

- 9 a.m. | The Joint Legislative Transportation Oversight Committee, 643 LOB.

## N.C. Government Meetings and Hearings

Items in **RED** are new listings.

### **Tuesday, Oct. 3**

- CANCELED | The Economic Investment Committee.



- 9 a.m. | The N.C. Council of State meets, Administration Building, 116 West Jones Street in Raleigh.
- **10 a.m. | N.C. Division of Marine Fisheries Coastal Habitat Protection Plan Steering Committee meets, Division of Marine Fisheries' Central District Office, 5285 Highway 70 West, Morehead City.**
- 1 p.m. | Isothermal Community College Board of Trustees Facilities Committee meet, 286 I C C Loop Rd., Spindale.
- **2 p.m. | The N.C. Capital Facilities Finance Agency Test meets, 3200 Atlantic Avenue, Longleaf Building, Dogwood Conf. Room, Raleigh.**
- 2:30 | The North Carolina Local Government Commission meets, 3200 Atlantic Ave., Longleaf Building, Raleigh.

### **Wednesday, Oct. 4**

- **10 a.m. | The Task Force on UNC Board of Governors meets, Executive Conference Room, Spangler Center, 910 Raleigh Road, Chapel Hill.**
- **10 a.m. | The N.C. Marine Fisheries Commission Nominating Committee meets, N.C. Division of Marine Fisheries' Headquarters, 3441 Arendell St., Morehead City.**
- **10 a.m. | The N.C. State Board of Examiners for Nursing Home Administrators Board meets, 3733 National Drive, Suite 110, Raleigh.**
- **10 a.m. | The N.C. State Health Coordinating Council Public meets, 801 Biggs Dr., Brown Building, Conference Room 104, Dorothea Dix Campus, Raleigh.**
- **1 p.m. | The N.C. Board of Transportation Board meets, 1 South Wilmington St., Transportation Building/Room 150, Raleigh.**

### **Thursday, Oct. 5**

- **8:30 a.m. | The Golden LEAF Foundation Board of Directors meet immediately after committee meetings, Robeson Community College in the Workforce Development Center/ BB&T Conference Room, Lumberton.**
- 9 a.m. | North Carolina Wildlife Resources Commission meets, Wildlife Resources Commission Headquarters Conference Room, 1751 Varsity Drive, NCSU Centennial Campus, Raleigh. Contact: Patricia Smith, [252-726-7021](tel:252-726-7021).
- **9 a.m. | The N.C. Board of Transportation Board meets, 1 South Wilmington St., Transportation Building / Room 150, Raleigh.**
- **4:15 p.m. | The N.C. Credit Union Division meets, Hilton Asheville Biltmore Park, 43 Town Square Blvd., Mitchell Ball Room, Asheville.**

### **Monday, Oct. 9**

- **10 a.m. | The Task Force on the Purpose of UNC General Administration meets, Room 128, Center for School Leadership Development, 140 Friday Center Dr., Chapel Hill.**

### **Tuesday, Oct. 10**

- 8:30 a.m. | The Fund Development and Communications Committee of The North Carolina Partnership for Children, Inc. meet, 1100 Wake Forest Road, Raleigh. Contact: Yvonne Huntley, [919-821-9573](tel:919-821-9573).

### **Wednesday, Oct. 11**

10 a.m. | The N.C. Plant Conservation Board meets, NCDA&CS Agronomic Services Building, 4300 Reedy Creek Road, Raleigh.

### **Friday, Oct. 13**

- **8:30 a.m. | The State Board of Dental Examiners meets, 2000 Perimeter Parkway, Suite 160, Morrisville.**
- **9 a.m. | The N.C. Property Tax Commission meets, 501 North Wilmington St., North Carolina Department of Revenue / Room 135, Raleigh.**
- **9 a.m. | The N.C. Home Inspector Licensure Board meets, 116 West Jones St., Raleigh.**
- **10 a.m. | The N.C. Basic Law Enforcement Training Revision Committee hold public meeting, 1001 Burkemont Ave., Morganton.**
- **12:30 p.m. | The NCWorks Commission Education and Training Committee meets, 3121 W. Gate City Road, Sheraton Four Seasons, Greensboro.**

#### **Tuesday, Oct. 17**

- 1:30 p.m. | The Accountability Committee of The North Carolina Partnership for Children meets, 1100 Wake Forest Road, Raleigh. Contact: Yvonne Huntley, [919-821-9573](tel:919-821-9573).

#### **Thursday, Oct. 19**

- 10 a.m. | The N.C. Rules Review Commission meets, Administrative Hearings office, Rules Review Commission Room, 1711 New Hope Church Road, Raleigh.

#### **Friday, Oct. 20**

- **8:30 a.m. | The State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors meets, TBD.**
- **9 a.m. | The State Board of Community Colleges meets, 200 West Jones St., Caswell Building Raleigh.**

#### **Wednesday, Nov. 1**

- 10:30 a.m. | The Standard Commercial Fishing License Eligibility Board to the N.C. Division of Marine Fisheries meets, N.C. Department of Environmental Quality's Wilmington Regional Office, 127 N. Cardinal Drive Extension, Wilmington.

#### **Wednesday, Nov. 8**

- 9 a.m. | Environmental Management Commission meets, Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St., Raleigh.

#### **Thursday, Nov. 9**

- 9 a.m. | Environmental Management Commission meets, Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St., Raleigh.

#### **Monday, Nov. 13**

- 11 a.m. | The Executive Committee of The North Carolina Partnership for Children meets, 1100 Wake Forest Road, Raleigh. Contact: Yvonne Huntley, [919-821-9573](tel:919-821-9573).

#### **Tuesday, Nov. 14**

- 12:30 p.m. | The NC Pesticide Board meets, Gov. James Martin Building - N.C. State Fairgrounds, Raleigh.



### **Thursday, Nov. 16**

- 10 a.m. | The N.C. Rules Review Commission meets, Administrative Hearings office, Rules Review Commission Room, 1711 New Hope Church Road, Raleigh.

### **Thursday, Dec. 7**

- TBD | The Golden LEAF Foundation's board meets, TBD. Contact: Jenny Tinklepaugh, [888-684-8404](tel:888-684-8404).
- TBD | The NC Wildlife Resources Commission meets, 1751 Varsity Dr., Raleigh.

### **Thursday, Dec. 14**

- 10 a.m. | The N.C. Rules Review Commission meets, Administrative Hearings office, Rules Review Commission Room, 1711 New Hope Church Road, Raleigh.

### **Wednesday, Jan. 10**

- 9 a.m. | Environmental Management Commission meets, Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St., Raleigh.

### **Thursday, Jan. 11**

- 9 a.m. | Environmental Management Commission meets, Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St., Raleigh.

## **N.C. Utilities Commission Hearing Schedule**

Dobbs Building  
430 North Salisbury Street  
Raleigh, North Carolina  
More Information: <http://www.ncuc.commerce.state.nc.us/activities/activit.htm>

### **Monday, Oct. 2**

- Staff Conference

### **Monday, Oct. 9**

- Staff Conference

### **Monday, Oct. 16**

- Staff Conference

### **Monday, Oct. 23**

- Staff Conference

### **Monday, Oct. 30**

- Staff Conference

## UNC Board of Governors

Board Room of the UNC Center for School Leadership Development  
140 Friday Center Drive, Chapel Hill (**remote meeting locations in RED**)  
More Information: <https://www.northcarolina.edu/bog/schedule.php>

### **Friday, Nov. 3**

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

### **Friday, Dec. 15**

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

### **Friday, Jan. 26, 2018**

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

### **Friday, March 23, 2018**

- TBA | UNC Wilmington, Wilmington.

### **Friday, May 25, 2018**

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

## N.C. Dept. of Environmental Quality

The N.C. Dept. of Environment and Natural Resources has a new name - the N.C. Dept. of Environmental Quality. More Information: <http://portal.ncdenr.org/web/guest/home>

### **Tuesday, Oct. 3**

- 10 a.m. | The N.C. Department of Environmental Quality's Coastal Habitat Protection Plan Steering Committee meets, Division of Marine Fisheries' Central District Office, 5285 Highway 70 West, Morehead City.

### **Wednesday, Dec. 13**

- 9 a.m. | The State Consumer and Family Advisory Committee (SCFAC) meets, Dix Grill, 1101 Cafeteria Dr., Raleigh.

## Other Meetings and Events of Interest

Items in **RED** are new listings.

### **Thursday, Oct. 5**

- 7 p.m. | The NC NAACP 74th Annual State Convention, Martin St. Baptist Church, 1001 E. Martin St., Raleigh.

### **Wednesday, Oct. 11**



- 10 a.m. | The Carolinas Air Pollution Control Association hold Technical Workshop and Forum, Hilton Myrtle Beach Resort, 10000 Beach Club Dr., Myrtle Beach.

## **Monday, Nov. 6**

- TBD | The NC Bankers Association hold Women in Banking Conference, Renaissance Charlotte Southpark, 5501 Carnegie Blvd., Charlotte.

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